

U.S. District Court
Middle District of Florida (Jacksonville)
CIVIL DOCKET FOR CASE #: 3:22-cv-00134-BJD-PDB

Koop v. Future Motion, Inc.

Date Filed: 02/07/2022

Assigned to: Judge Brian J. Davis

Jury Demand: Both

Referred to: Magistrate Judge Patricia D. Barksdale

Nature of Suit: 365 Personal Inj. Prod. Liability

Demand: \$30,000

Jurisdiction: Diversity

Case in other court: 4th Judicial Circuit, in and for Nassau County, FL,
 21-CA-271

Cause: 28:1332 Diversity–Product Liability

Plaintiff

Kwynn Koop

represented by **Jeffrey Weiskopf**
 Halperin, Halperin & Weiskopf, PLLC
 18 East 48th St
 Suite 1001
 New York, NY 10017
 212-935-2600
 Email: jweiskopf@halperinlawyers.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Aaron Abraham Karger

Law Office of Aaron A. Karger, P.A.
 16211 NE 18th Avenue
 Suite 200
 33162
 North Miami Beach, FL 33162
 305-582-5580
 Fax: 305-602-9357
 Email: aaron@aak-law.com
ATTORNEY TO BE NOTICED

Daniel C. Jensen

Lytal Reiter Smith Ivey & Fronrath
 515 North Flagler Drive, 10th Floor
 West Palm Beach, FL 33401
 561-655-1990
 Fax: 561-832-2932
 Email: djensen@foryourrights.com
ATTORNEY TO BE NOTICED

V.

Defendant

Future Motion, Inc.

a Delaware Corporation

represented by **Christine M. Mennen**

Nilan Johnson Lewis PA

250 Marquette Avenue South

Suite 800
 Minneapolis, MN 55401
 612-305-7500
 Fax: 612-305-7501
 Email: cmennen@nilanjohnson.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Liganette Cordova
 Rumberger, Kirk & Caldwell, P.A.
 80 SW 8th St – Ste 3000
 Miami, FL 33130
 305-358-6555
 Email: lcordova@rumberger.com
ATTORNEY TO BE NOTICED

Michael R. Holt
 Rumberger, Kirk & Caldwell, P.A.
 80 SW 8th St – Ste 3000
 Miami, FL 33130
 305-358-5577
 Email: mholt@rumberger.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/07/2022	1	COMPLAINT and NOTICE OF REMOVAL from Nassau County Court, case number 21-CA-000271 filed in State Court on 09/09/2021. Filing fee \$ 402, receipt number AFLMDC-19206294 filed by Future Motion, Inc.. (Attachments: # 1 State Court COMPLAINT Exhibit A, # 2 State Court ANSWER Exhibit B, # 3 Exhibit C, # 4 State Court Docket Sheet Exhibit D, # 5 State Court Other Documents Exhibit E, # 6 Exhibit F, # 7 Civil Cover Sheet)(Holt, Michael) (Entered: 02/07/2022)
02/07/2022	2	NEW CASE ASSIGNED to Judge Timothy J. Corrigan and Magistrate Judge Patricia D. Barksdale. New case number: 3:22-cv-0134-TJC-PDB. (SJB) (Entered: 02/07/2022)
02/08/2022	3	COMPLAINT (filed in State Court on 09/09/2021) against Future Motion, Inc. with Jury Demand filed by Kwynn Koop.(AEP) (Entered: 02/08/2022)
02/08/2022	4	ANSWER and affirmative defenses to 3 Complaint with Jury Demand by Future Motion, Inc. (filed in State Court on 11/10/2021)(AEP) (Entered: 02/08/2022)
02/08/2022	5	CERTIFICATE of interested persons and corporate disclosure statement by Future Motion, Inc.. (Holt, Michael) (Entered: 02/08/2022)
02/08/2022	6	NOTICE of Local Rule 3.02(a)(2), which requires the parties in every civil proceeding, except those described in subsection (d), to file a case management report (CMR) using the uniform form at www.flmd.uscourts.gov . The CMR must be filed (1) within forty days after any defendant appears in an action originating in this court, (2) within forty days after the docketing of an action removed or transferred to this court, or (3) within seventy days after service on the United States attorney in an action against the United States, its agencies or employees. Judges may have a special CMR form for certain types of cases. These forms can be found at www.flmd.uscourts.gov under the Forms tab for each judge. (Signed by Deputy Clerk). (KKH) (Entered: 02/08/2022)

02/08/2022	<u>I 7</u>	MOTION for Jeffrey Weiskopf to appear pro hac vice, Special Admission fee paid, Receipt No. AFLMDC-19213086 for \$150 by Kwynn Koop. (Attachments: # <u>1</u> Affidavit AFFIDAVIT OF AARON A. KARGER IN SUPPORT OF MOTION TO ADMIT COUNSEL PRO HAC VICE, # <u>2</u> Text of Proposed Order PROPOSED ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION)(Karger, Aaron) Motions referred to Magistrate Judge Patricia D. Barksdale. (Entered: 02/08/2022)
02/08/2022	<u>I 8</u>	CERTIFICATE of interested persons and corporate disclosure statement by Kwynn Koop. (Karger, Aaron) (Entered: 02/08/2022)
02/08/2022	<u>I 9</u>	NOTICE of a related action per Local Rule 1.07(c) by Kwynn Koop. Related case(s): No (Karger, Aaron) (Entered: 02/08/2022)
02/10/2022	<u>I 10</u>	ORDER denying without prejudice to filing a motion that complies with Local Rules 2.01(c) and 3.01(g) 7 Aaron Karger's motion asking the Court for permission for Jeffrey Weiskopf to specially appear to represent the plaintiff in this action. Signed by Magistrate Judge Patricia D. Barksdale on 2/10/2022. (ASL) (Entered: 02/10/2022)
02/22/2022	<u>I 11</u>	Second MOTION for Jeffrey Weiskopf to appear pro hac vice, Special Admission fee paid, Receipt No. AFLMDC-19258821 for \$150 by Kwynn Koop. (Karger, Aaron) Motions referred to Magistrate Judge Patricia D. Barksdale. (Entered: 02/22/2022)
02/24/2022	<u>I 12</u>	CASE MANAGEMENT REPORT. (Holt, Michael) (Entered: 02/24/2022)
02/24/2022	<u>I 13</u>	ORDER granting <u>11</u> Jeffrey Weiskopf's motion for permission to specially appear to represent the plaintiff in this action. By 3/10/2022, counsel must notify the Court who will be serving as lead counsel. Signed by Magistrate Judge Patricia D. Barksdale on 2/23/2022. (ASL) (Entered: 02/24/2022)
03/02/2022	<u>I 14</u>	CASE MANAGEMENT AND SCHEDULING ORDER: Plaintiff disclosure of expert report due by 7/29/2022; Defendant disclosure of expert report due by 9/29/2022; Discovery deadline is 12/2/2022; Conduct mediation hearing by 2/3/2023; Dispositive and Daubert motions due by 2/3/2023; Pretrial statement due by 6/14/2023; Final Pretrial Conference set for 6/21/2023 at 10:00 AM in Jacksonville Courtroom 10 D before Judge Timothy J. Corrigan; Jury Trial set for 7/3/2023 at 9:00 AM in Jacksonville Courtroom 10 D before Judge Timothy J. Corrigan. Signed by Deputy Clerk on 3/2/2022. (Attachments: # <u>1</u> Mediation Report Form, # <u>2</u> Docket Sheet)(KKH) (Entered: 03/02/2022)
03/03/2022	<u>I 15</u>	CASE REFERRED to Mediation. (RH) (Entered: 03/03/2022)
03/07/2022	<u>I 16</u>	MOTION for Christine M. Mennen to appear pro hac vice, Special Admission fee paid, Receipt No. AFLMDC-19307376 for \$150 by Future Motion, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Holt, Michael) Motions referred to Magistrate Judge Patricia D. Barksdale. (Entered: 03/07/2022)
03/08/2022	<u>I 17</u>	Amended MOTION for Christine M. Mennen to appear pro hac vice by Future Motion, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Holt, Michael) Motions referred to Magistrate Judge Patricia D. Barksdale. (Entered: 03/08/2022)
03/08/2022	<u>I 18</u>	ORDER denying without prejudice to filing a motion that complies with the Local Rules <u>17</u> Christine Mennen's motion for permission to specially appear to represent the defendant. Signed by Magistrate Judge Patricia D. Barksdale on 3/8/2022. (ASL) (Entered: 03/08/2022)
03/08/2022	<u>I 19</u>	ORDER scheduling a preliminary pretrial conference for 4/8/2022 at 10:00 AM before Magistrate Judge Patricia D. Barksdale. Participants must appear by telephone by calling (888) 684-8852 at least five minutes before the proceeding. The access code is 1103539; the security code is 0004. Signed by Magistrate Judge Patricia D. Barksdale on 3/8/2022. (ASL)

		(Entered: 03/08/2022)
03/08/2022	<u>I 20</u>	SECOND Amended Motion for Christine M. Mennen to appear pro hac vice by Future Motion, Inc. (Holt, Michael) Motions referred to Magistrate Judge Patricia D. Barksdale. (Entered: 03/08/2022)
03/09/2022	<u>I 21</u>	NOTICE of Lead Counsel Designation by Jeffrey Weiskopf on behalf of Kwynn Koop. Lead Counsel: Jeffrey Weiskopf. (Weiskopf, Jeffrey) (Entered: 03/09/2022)
03/10/2022	<u>I 22</u>	ORDER granting <u>20</u> Christine Mennen's motion asking the Court for permission to specially appear to represent the defendant in this action. By 3/24/2022, counsel must notify the Court who will be serving as lead counsel. Signed by Magistrate Judge Patricia D. Barksdale on 3/9/2022. (ASL) (Entered: 03/10/2022)
04/04/2022	<u>I 23</u>	ORDER directing Christine Mennen, Esquire, to notify the Court who will be serving as lead counsel for the defendant and show cause why sanctions should not be imposed for failure to comply with <u>22</u> the order. Signed by Magistrate Judge Patricia D. Barksdale on 4/4/2022. (BHC) (Discharged per Order doc <u>27</u>) Modified on 4/14/2022 (RH). (Entered: 04/04/2022)
04/05/2022	<u>I 24</u>	NOTICE of Lead Counsel Designation by Michael R. Holt on behalf of Future Motion, Inc.. Lead Counsel: Christine M. Mennen. (Holt, Michael) (Entered: 04/05/2022)
04/08/2022	<u>I 25</u>	RESPONSE TO ORDER TO SHOW CAUSE re <u>23</u> Order to show cause filed by Future Motion, Inc.. (Holt, Michael) (Entered: 04/08/2022)
04/08/2022	<u>I 26</u>	MINUTE entry for the preliminary pretrial conference held by telephone on 4/8/2022 before Magistrate Judge Patricia D. Barksdale: Counsel were present to discuss the sequence of discovery and product inspection.(Digital) (ASL) (Entered: 04/08/2022)
04/13/2022	<u>I 27</u>	ORDER discharging <u>23</u> the order to show cause. Signed by Magistrate Judge Patricia D. Barksdale on 4/13/2022. (BHC) (Entered: 04/13/2022)
04/13/2022	<u>I 28</u>	ORDER regarding the preliminary pretrial conference held on April 8, 2022. Signed by Magistrate Judge Patricia D. Barksdale on 4/13/2022. (BHC) (Entered: 04/13/2022)
05/13/2022	<u>I 29</u>	TRANSCRIPT of Digitally Recorded Preliminary Pretrial Conference (By Phone) held on 04/08/22 before Judge Patricia D. Barksdale. Court Reporter/Transcriber Katharine M. Healey, RMR, CRR, FPR-C, Telephone number (904) 301-6843. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 6/3/2022 Redacted Transcript Deadline set for 6/13/2022 Release of Transcript Restriction set for 8/11/2022. (KMH) (Entered: 05/13/2022)
05/13/2022	<u>I 30</u>	NOTICE to counsel of filing of OFFICIAL TRANSCRIPT. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Any party needing a copy of the transcript to review for redaction purposes may purchase a copy from the court reporter or view the document at the clerk's office public terminal. Court Reporter: Katharine Healey. (KMH) (Entered: 05/13/2022)
07/13/2022	<u>I 31</u>	MOTION for Protective Order (<i>Time-Sensitive</i>) by Future Motion, Inc.. (Attachments: # <u>1</u> Affidavit Declaration of Daniel Wood, # <u>2</u> Affidavit Declaration of Christine M. Mennen)(Holt, Michael) Motions referred to Magistrate Judge Patricia D. Barksdale. (Entered: 07/13/2022)
07/13/2022	<u>I 32</u>	ENDORSED ORDER. Based on representations of the plaintiff's lawyers that they had agreed to reschedule Daniel Wood's deposition, <u>31</u> Future Motion's motion for a protective order is granted in part to the extent that Wood's deposition is stayed pending a ruling on

the remaining issue in the motion. The parties must confer in good faith on whether a stipulated protective order with an "attorney's and expert's eyes only" provision would resolve the issue. If so, the parties must notify the Court by July 20, 2022. Otherwise, the plaintiff must respond to the motion by July 27, 2022. Signed by Magistrate Judge Patricia D. Barksdale on 7/13/2022. (BHC) (Entered: 07/13/2022)

07/20/2022	<u>I 33</u>	First MOTION for Extension of Time to File by Kwynn Koop. (Attachments: # <u>1</u> Affidavit DECLARATION of Jeffrey Weiskopf in Support to Plaintiff's Motion for Extension of Time (Weiskopf, Jeffrey) Motions referred to Magistrate Judge Patricia D. Barksdale. Modified on 7/21/2022 to modify docket text to lower case.(LD). (Entered: 07/20/2022)
07/25/2022	<u>I 34</u>	RESPONSE in Opposition re <u>33</u> First MOTION for Extension of Time to File filed by Future Motion, Inc.. (Attachments: # <u>1</u> Affidavit Declaration of Christine M. Mennen)(Holt, Michael) (Entered: 07/25/2022)
07/26/2022	<u>I 35</u>	MOTION for Leave to File a Reply to the <u>34</u> Opposition of <u>33</u> Motion for an extension of time by Kwynn Koop. (Weiskopf, Jeffrey) Modified link on 7/27/2022 (BD). (Entered: 07/26/2022)
07/27/2022	<u>I 36</u>	MEMORANDUM in opposition re <u>31</u> Motion for Protective Order filed by Kwynn Koop. (Attachments: # <u>1</u> Affidavit Declaration of Jeffrey Weiskopf, Esq.)(Weiskopf, Jeffrey) Modified link on 7/28/2022 (BD). (Entered: 07/27/2022)
08/03/2022	<u>I 37</u>	REQUEST for oral argument re <u>31</u> MOTION for Protective Order (<i>Time-Sensitive</i>) by Future Motion, Inc.. (Holt, Michael) (Entered: 08/03/2022)
08/03/2022	<u>I 38</u>	ENDORSED ORDER granting <u>33</u> Plaintiff's Motion to Extend Time to the extent that the Court will enter an Amended Case Management and Scheduling Order continuing all case deadlines and settings by approximately 2 months. Plaintiff's motion for leave to file a reply <u>35</u> is moot. Signed by Judge Timothy J. Corrigan on 8/3/2022. (SRW) (Entered: 08/03/2022)
08/05/2022	<u>I 39</u>	AMENDED CASE MANAGEMENT AND SCHEDULING ORDER: Plaintiff disclosure of expert report due by 9/29/2022; Defendant disclosure of expert report due by 11/29/2022; Discovery deadline is 2/3/2023; Conduct mediation hearing by 4/3/2023; Dispositive and Daubert motions due by 4/3/2023; Pretrial statement due by 8/17/2023; All other motions due by 8/17/2023; Final Pretrial Conference set for 8/23/2023 at 10:00 AM in Jacksonville Courtroom 10 D before Judge Timothy J. Corrigan Jury Trial set for trial term commencing 9/5/2023 at 9:00 AM in Jacksonville Courtroom 10 D before Judge Timothy J. Corrigan. Signed by Deputy Clerk on 8/5/2022. (KKH) (Entered: 08/05/2022)
08/09/2022	<u>I 40</u>	ORDER scheduling a telephone conference for 8/22/2022 at 10:00 AM before Magistrate Judge Patricia D. Barksdale to discuss <u>31</u> the motion for a protective order and <u>36</u> the response. Participants must appear by telephone by calling (888) 684-8852 at least five minutes before the proceeding. The access code is 1103539; the security code is 0004. Signed by Magistrate Judge Patricia D. Barksdale on 8/8/2022. (ASL) (Entered: 08/09/2022)
08/17/2022	<u>I 41</u>	NOTICE of WITHDRAWAL of motion re <u>31</u> Motion for Protective Order, filed by Future Motion, Inc. by Future Motion, Inc. (Holt, Michael) (Entered: 08/17/2022)
08/18/2022	<u>I 42</u>	ENDORSED ORDER denying as moot <u>31</u> the defendant's motion for a protective order in light of <u>41</u> the defendant's withdrawal of the motion. The telephone conference set for August 22, 2022, is cancelled. Signed by Magistrate Judge Patricia D. Barksdale on 8/18/2022. (BHC) (Entered: 08/18/2022)
08/24/2022	<u>I 43</u>	MOTION to Dismiss or, in the Alternative, Motion for Sanctions Due to Plaintiff's Spoliation of Evidence by Future Motion, Inc.. (Attachments: # <u>1</u> Affidavit Declaration of Christine M. Mennen, # <u>2</u> Affidavit Declaration of Joel T. Cowells)(Holt, Michael) . Modified on 3/6/2023 to add event (MDC). (Entered: 08/24/2022)

08/26/2022	<u>I 44</u>	Unopposed MOTION for Extension of Time to File Response as to <u>43</u> MOTION to Dismiss by Kwynn Koop. (Attachments: # <u>1</u> Affidavit Declaration of Jeffrey Weiskopf, Esq.)(Weiskopf, Jeffrey) Motions referred to Magistrate Judge Patricia D. Barksdale. Modified text on 8/26/2022 (BD). (Entered: 08/26/2022)
08/29/2022	<u>I 45</u>	ENDORSED ORDER granting <u>44</u> the plaintiff's unopposed motion for an extension of time (to the extent the 21-day response period in Local Rule 3.01(c) is inapplicable). The plaintiff must respond to <u>43</u> the motion for spoliation sanctions by September 14, 2022. In the response, the plaintiff must address whether the information about the battery life at the time of the accident was electronically stored information, whether Federal Rule of Civil Procedure 37(e) applies, and whether an evidentiary hearing is necessary to decide the issue of intent. The defendant must file a reply addressing the same issues within 14 days of service of the response. The reply must be no longer than 14 pages, inclusive of all parts. Signed by Magistrate Judge Patricia D. Barksdale on 8/29/2022. (BHC) (Entered: 08/29/2022)
09/14/2022	<u>I 46</u>	MEMORANDUM in opposition re <u>43</u> Motion to Dismiss, filed by Kwynn Koop. (Attachments: # <u>1</u> Affidavit Declaration of Aaron A. Karger, Esq., # <u>2</u> Exhibit Exhibit A – Mennen Email, # <u>3</u> Exhibit Exhibit B – Plaintiff Affidavit)(Weiskopf, Jeffrey) (Entered: 09/14/2022)
09/15/2022	<u>I 47</u>	CORRECTED MEMORANDUM in opposition re <u>43</u> Motion to Dismiss, filed by Kwynn Koop. (Attachments: # <u>1</u> Affidavit Declaration of Aaron A. Karger, Esq., # <u>2</u> Exhibit Exhibit A – Mennen Email, # <u>3</u> Exhibit Exhibit B – Plaintiff Affidavit)(Weiskopf, Jeffrey) Modified text on 9/16/2022 (BD). (Entered: 09/15/2022)
09/28/2022	<u>I 48</u>	REPLY to Response to Motion re <u>43</u> MOTION to Dismiss or, in the Alternative, Motion for Sanctions Due to Plaintiff's Spoliation of Evidence filed by Future Motion, Inc.. (Attachments: # <u>1</u> Affidavit Declaration of Christine M. Mennen)(Holt, Michael) (Entered: 09/28/2022)
09/28/2022	<u>I 49</u>	Second Unopposed MOTION for Extension of Time by Kwynn Koop. (Attachments: # <u>1</u> Affidavit Declaration of Jeffrey Weiskopf, Esq.)(Weiskopf, Jeffrey) Motions referred to Magistrate Judge Patricia D. Barksdale. Modified text on 9/29/2022 (BD). (Entered: 09/28/2022)
10/03/2022	<u>I 50</u>	ENDORSED ORDER granting <u>49</u> Motion for Extension of Deadlines. Plaintiff's expert disclosure deadline is 11/29/2022; defendant's expert disclosure deadline is 1/3/2022; plaintiff's expert rebuttal deadline is 3/1/2023; the discovery deadline is 3/1/2023; dispositive and Daubert motions are due no later than 5/3/2023. For now, all other deadlines will remain as set in the amended case management an scheduling order <u>39</u> , but will be subject to further continuances following review of any dispositive or Daubert motions.. Signed by Judge Timothy J. Corrigan on 10/3/2022. (KKH) (Entered: 10/03/2022)
10/05/2022	<u>I 51</u>	Joint MOTION for Clarification and Amendment of Deadline for Defendant's Expert Disclosure in the Scheduling Order re <u>50</u> Order by Future Motion, Inc. (Holt, Michael) Modified text on 10/6/2022 (BD). (Entered: 10/05/2022)
10/13/2022	<u>I 52</u>	ENDORSED ORDER granting <u>51</u> Joint Motion for Clarification and Amendment: Doc. <u>50</u> is amended to the extent that defendant's expert disclosure deadline is 1/30/2023. Signed by Judge Timothy J. Corrigan on 10/13/2022. (SRW) (Entered: 10/13/2022)
01/08/2023	<u>I 53</u>	MOTION to Compel Discovery and for Payment of Expenses and MOTION for an Extension of of All Discovery Deadlines by Kwynn Koop. (Attachments: # <u>1</u> Memorandum of Law, # <u>2</u> Affidavit Declaration of Jeffrey Weiskopf, Esq., # <u>3</u> Exhibit 1 – Stipulated Protective Order, # <u>4</u> Exhibit 2 – Emails Part I, # <u>5</u> Exhibit 3 – Emails Part II, # <u>6</u> Exhibit 4 – Letter from Defense Counsel to Plaintiff's Expert)(Weiskopf, Jeffrey) Motions referred to Magistrate Judge Patricia D. Barksdale. Modified text on 1/9/2023. The filer has not obtained leave from the court to file this document under seal. (BD) (Entered: 01/08/2023)
01/09/2023	<u>I 54</u>	

		Corrected MOTION to Compel Discovery and for Payment of Expenses and MOTION for an Extension of of All Discovery Deadlines by Kwynn Koop. (Attachments: # <u>1</u> Affidavit Declaration of Jeffrey Weiskopf, Esq., # <u>2</u> Exhibit 1 – Stipulated Protective Order, # <u>3</u> Exhibit 2 – Emails Part I, # <u>4</u> Exhibit 3 – Emails Part II, # <u>5</u> Exhibit 4 – Letter from Defense Counsel to Plaintiff's Expert)(Weiskopf, Jeffrey) Motions referred to Magistrate Judge Patricia D. Barksdale. Modified text on 1/9/2023. The filer has not obtained leave from the court to file this document under seal. (BD) (Entered: 01/09/2023)
01/17/2023	<u>I</u> <u>55</u>	Unopposed MOTION to Seal Plaintiff's <u>54</u> Motion to Compel Discovery and its Related Exhibits by Future Motion, Inc. (Attachments: # <u>1</u> Affidavit Declaration of Christine M. Mennen)(Holt, Michael) Modified text on 1/17/2023 (BD). (Entered: 01/17/2023)
01/19/2023	<u>I</u> <u>56</u>	ORDER setting a telephone conference on February 6, 2023, at 11:00 a.m., to discuss <u>54</u> the plaintiff's motion to compel, any response to the motion to compel, and <u>55</u> the defendant's motion to seal. Participants must appear by telephone by calling (888) 684–8852 at least five minutes before the proceeding. The access code is 1103539; the security code is 0004. Signed by Magistrate Judge Patricia D. Barksdale on 1/19/2023. (DS) (Entered: 01/19/2023)
01/23/2023	<u>I</u> <u>57</u>	MEMORANDUM in Opposition re <u>54</u> MOTION to Compel Discovery filed by Future Motion, Inc. (Attachments: # <u>1</u> Declaration of Christine M. Mennen, # <u>2</u> Placeholder for Declaration to be Filed Under Seal)(Holt, Michael) Modified text on 1/24/2023 (BD). (Entered: 01/23/2023)
01/23/2023	<u>I</u> <u>58</u>	Unopposed MOTION for Leave to File Under Seal doc. 57–2 Declaration by Future Motion, Inc. (Holt, Michael). Motions referred to Magistrate Judge Patricia D. Barksdale. Modified text on 1/24/2023 (BD). (Entered: 01/23/2023)
02/06/2023	<u>I</u> <u>59</u>	ORAL MOTION to have an affidavit signed by the plaintiff's expert witness filed under seal by Future Motion, Inc. (ASL) (Entered: 02/07/2023)
02/06/2023	<u>I</u> <u>60</u>	MINUTE entry for the telephone conference held on 2/6/2023 before Magistrate Judge Patricia Barksdale: Counsel were present to discuss <u>54</u> the plaintiff's motion to compel and <u>55</u> , <u>58</u> the defendant's motions to seal. Judge Barksdale granted <u>59</u> the defendant's motion to have an affidavit filed under seal and directed Mr. Weiskopf to file the affidavit under seal by 2/10/2023. (digital) (ASL) (Entered: 02/07/2023)
02/09/2023	<u>I</u> <u>61</u>	SEALED DOCUMENT <i>Affidavit of Plaintiff's Expert Filed in Another Case Against Same Defendant with identical facts on the issue to establish "reasonable necessity" of the printed source code</i> re <u>60</u> Order on Motion for Miscellaneous Relief Motion Hearing, by Kwynn Koop (Weiskopf, Jeffrey). Modified text on 2/10/2023. Permission to file under seal granted in <u>60</u> Minutes (BD). (Entered: 02/09/2023)
02/09/2023	<u>I</u> <u>62</u>	NOTICE by Future Motion, Inc. re <u>57</u> Response in Opposition to Motion, <i>Notice of Filing Redacted Declaration of Daniel Wood</i> (Attachments: # <u>1</u> Affidavit Redacted Declaration of Daniel Wood)(Holt, Michael) (Entered: 02/09/2023)
02/09/2023	<u>I</u> <u>63</u>	SEALED DOCUMENT <i>Notice of Filing Declaration of Daniel Wood Under Seal</i> by Future Motion, Inc. (Attachments: # <u>1</u> Affidavit Declaration of Daniel Wood)(Holt, Michael). Modified on 2/10/2023. Permission to file under seal granted in <u>60</u> Minutes (BD). (Entered: 02/09/2023)
02/10/2023	<u>I</u> <u>64</u>	SECOND AMENDED CASE MANAGEMENT AND SCHEDULING ORDER: Expert Rebuttal Reports due by 3/1/2023; Discovery deadline is 3/1/2023; Conduct mediation hearing by 6/2/2023; Dispositive and Daubert motions due by 6/2/2023; Pretrial statement due by 10/19/2023; All other motions due by 10/19/2023; Final Pretrial Conference set for 10/25/2023 at 10:00 AM in Jacksonville Courtroom 10 D before Judge Timothy J. Corrigan; Jury Trial set for trial term commencing 11/6/2023 at 9:00 AM in Jacksonville Courtroom 10 D before Judge Timothy J. Corrigan. Signed by Deputy Clerk on 2/10/2023. (KKH) (Entered: 02/10/2023)

02/13/2023	I 65	ORDER granting 55, 58 the defendant's motions to seal to the extent the motion to compel and exhibits at Docs. 53–1, 54, 54–1 to 54–5, and the declaration at S–Doc. 63–1, may remain under seal until ninety days after this case is closed and all appeals exhausted. Signed by Magistrate Judge Patricia D. Barksdale on 2/13/2023. (DS) (Entered: 02/13/2023)
02/15/2023	I 66	PLAINTIFF'S UNOPPOSED MOTION to Correct/Modify 64 Second Amended Case Management and Scheduling Order by Kwynn Koop. (Weiskopf, Jeffrey) Motions referred to Magistrate Judge Patricia D. Barksdale. Modified on 2/16/2023 to edit docket text (MDC). (Entered: 02/15/2023)
02/17/2023	I 67	ENDORSED ORDER granting 66 the plaintiff's unopposed motion to modify the second amended case management and scheduling order. The expert disclosure deadlines are vacated. New expert disclosure deadlines and a deadline to conduct limited expert discovery will be in an order on 54 the pending motion to compel. All other deadlines and dates in 64 the second amended case management and scheduling order, including the deadline to complete non-expert related discovery, remain in effect. Signed by Magistrate Judge Patricia D. Barksdale on 2/17/2023. (DS) (Entered: 02/17/2023)
02/24/2023	I 68	Unopposed MOTION for Leave to File an Opposition to the Affidavit of Plaintiff's Expert by Future Motion, Inc.. (Holt, Michael) Modified text on 2/27/2023 (BD). (Entered: 02/24/2023)
03/06/2023	I 69	ORDER denying 43 Motion to Dismiss and ruling deferred on the 43 Motion for Sanctions. Magistrate Judge Barksdale is requested to conduct a hearing regarding the motion for sanctions. See order for details. Signed by Judge Timothy J. Corrigan on 3/6/2023. (KKH) (Entered: 03/06/2023)
03/06/2023	I 70	ENDORSED ORDER granting 68 the defendant's unopposed motion for leave to file a supplemental memorandum and an affidavit in opposition to the plaintiff's motion to compel. By March 20, 2023, the defendant may file a supplemental memorandum no longer than ten pages, inclusive of all parts, and an affidavit. Signed by Magistrate Judge Patricia D. Barksdale on 3/6/2023. (DS) (Entered: 03/06/2023)
03/07/2023	I 71	ORDER scheduling an evidentiary hearing on 43 the defendant's motion for spoliation sanctions for 3/29/2023 at 10:00 AM in Jacksonville Courtroom 5B before Magistrate Judge Patricia D. Barksdale. Signed by Magistrate Judge Patricia D. Barksdale on 3/7/2023. (ASL) (Entered: 03/07/2023)
03/10/2023	I 72	Joint MOTION for Counsel for both parties to appear telephonically <i>for March 29, 2023 evidentiary hearing</i> by Kwynn Koop. (Weiskopf, Jeffrey) Motions referred to Magistrate Judge Patricia D. Barksdale. (Entered: 03/10/2023)
03/17/2023	I 73	ORDER denying 72 the joint motion for leave to appear remotely at the 3/29/2023 evidentiary hearing. Counsel and any witnesses must attend the evidentiary hearing in person. Signed by Magistrate Judge Patricia D. Barksdale on 3/17/2023. (ASL) (Entered: 03/17/2023)
03/20/2023	I 74	STIPULATION Withdrawing Plaintiff's 54 MOTION to Compel Discovery and for Payment of Expenses by Kwynn Koop. (Karger, Aaron) Modified text on 3/21/2023 (BD). (Entered: 03/20/2023)
03/27/2023	I 75	ENDORSED ORDER. Considering 74 the stipulation, the Court directs the clerk to terminate 54 the plaintiff's motion to compel. Signed by Magistrate Judge Patricia D. Barksdale on 3/27/2023. (DS) (Entered: 03/27/2023)
03/29/2023	I 77	MINUTE entry for the in person evidentiary hearing held on 3/29/2023 before Magistrate Judge Patricia D. Barksdale: Counsel were present to present evidence on 43 the defendant's motion for spoliation of sanctions. (Katharine Healey, Court Reporter) (ASL) (Entered: 04/05/2023)

03/31/2023	<u>I 76</u>	SUPPLEMENTAL Affidavit re <u>43</u> MOTION to Dismiss or, in the Alternative, Motion for Sanctions Due filed by Kwynn Koop. (Attachments: # <u>1</u> Affidavit of Kwynn Koop (Weiskopf, Jeffrey) Modified on 4/3/2023 (BD). (Entered: 03/31/2023)
04/06/2023	<u>I 78</u>	TRANSCRIPT of Motion Hearing held on 03/29/2023 before Judge Patricia D. Barksdale. Court Reporter/Transcriber: Katharine M. Healey, RMR, CRR, FPR-C. Email address: katharinehealey@bellsouth.net. Telephone number: (904) 301-6843. NOTICE TO THE PARTIES – The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such notice is filed, the transcript may be made remotely available to the public without redaction after ninety (90) calendar days. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 4/27/2023. Redacted Transcript Deadline set for 5/8/2023. Release of Transcript Restriction set for 7/5/2023. (KMH) (Entered: 04/06/2023)
04/07/2023	<u>I 79</u>	SUPPLEMENTAL MEMORANDUM in Support of it's <u>43</u> Motion to Dismiss, or in the Alternative, Motion for Sanctions Due to Plaintiff's Spoliation of Evidence filed by Future Motion, Inc. (Attachments: # <u>1</u> Affidavit Third Declaration of Christine M. Mennen)(Holt, Michael) Modified text on 4/10/2023 (BD). (Entered: 04/07/2023)
05/08/2023	<u>I 80</u>	Unopposed MOTION for Extension of Time to File Extend the Mediation/Daubert/Dispositive Motion Deadline by Future Motion, Inc.. (Attachments: # <u>1</u> Affidavit Declaration of Christine M. Mennen)(Holt, Michael) Motions referred to Magistrate Judge Patricia D. Barksdale. (Entered: 05/08/2023)
05/31/2023	<u>I 81</u>	ENDORSED ORDER granting <u>80</u> Unopposed Motion for Extension of Time to the extent that the Court will issue a Third Amended Case Management and Scheduling Order by separate order. Signed by Judge Timothy J. Corrigan on 5/31/2023. (SRW) (Entered: 05/31/2023)
06/07/2023	<u>I 82</u>	MOTION for Extension of Time to Complete Discovery by Kwynn Koop. (Attachments: # <u>1</u> Affidavit Declaration of Jeffrey Weiskopf)(Weiskopf, Jeffrey) Motions referred to Magistrate Judge Patricia D. Barksdale. (Entered: 06/07/2023)
06/08/2023	<u>I 83</u>	ENDORSED ORDER granting <u>82</u> Plaintiff's Unopposed Motion for Extension of Time. The Court will incorporate the deadlines in the Third Amended Scheduling Order that will be entered separately. Because the requested extension will not give the Court sufficient time to decide any ripe dispositive or Daubert motions in advance of trial and attend to its case load, the Court is continuing the trial setting as well. Signed by Judge Timothy J. Corrigan on 6/8/2023. (KSM) (Entered: 06/08/2023)
06/14/2023	<u>I 84</u>	ORDER denying <u>43</u> the motion for sanctions except to the extent Future Motion alternatively requested an evidentiary hearing to address spoliation, which the Court earlier granted. See the order for details. Signed by Magistrate Judge Patricia D. Barksdale on 6/14/2023. (DS) (Entered: 06/14/2023)
07/06/2023	<u>I 85</u>	CASE MANAGEMENT AND SCHEDULING ORDER: Plaintiff disclosure of expert report due by 7/10/2023; Conduct mediation hearing by 7/28/2023; Dispositive and Daubert motions due by 7/28/2023; All other motions due by 12/12/2023; Pretrial statement due by 12/12/2023; Final Pretrial Conference set for 12/18/2023 at 10:00 AM in Jacksonville Courtroom 10 D before Judge Timothy J. Corrigan; Jury Trial set for trial term commencing 1/2/2024 at 09:00 AM in Jacksonville Courtroom 10 D before Judge Timothy J. Corrigan. Signed by Law Clerk on 7/6/2023. (AMM) (Entered: 07/06/2023)
07/13/2023	<u>I 86</u>	

		Case Reassigned to Judge Brian J. Davis. New case number: 3:22-cv-134-BJD-PDB. Judge Timothy J. Corrigan no longer assigned to the case. (AET) (Entered: 07/13/2023)
07/21/2023	<u>I 87</u>	NOTICE of Appearance by Daniel C. Jensen on behalf of Kwynn Koop (Jensen, Daniel) (Entered: 07/21/2023)
07/24/2023	<u>I 88</u>	MOTION for Miscellaneous Relief, specifically extension of time <i>for Mediation</i> by Kwynn Koop. (Attachments: # <u>1</u> Exhibit)(Jensen, Daniel) (Entered: 07/24/2023)
07/25/2023	<u>I 89</u>	ENDORSED ORDER: The parties' Joint Motion for Extension of Time for Mediation <u>88</u> is GRANTED. By September 21, 2023, the parties shall mediate. Signed by Judge Brian J. Davis on 7/25/2023. (AMP) (Entered: 07/25/2023)
07/28/2023	<u>I 90</u>	MOTION for Summary Judgment by Future Motion, Inc.. (Attachments: # <u>1</u> Affidavit Declaration of Christine M. Mennen)(Holt, Michael) (Entered: 07/28/2023)
07/28/2023	<u>I 91</u>	MOTION In Limine regarding (Daubert) Exclude the Testimony of Plaintiff's Named Expert Jack Ganssle by Future Motion, Inc.. (Attachments: # <u>1</u> Affidavit Declaration of Christine M. Mennen)(Holt, Michael) (Entered: 07/28/2023)
07/28/2023	<u>I 92</u>	MOTION In Limine regarding (Daubert) Exclude the Testimony of Plaintiff's Named Experts David Rondinone and Derek King by Future Motion, Inc.. (Attachments: # <u>1</u> Affidavit Declaration of Christine M. Mennen)(Holt, Michael) (Entered: 07/28/2023)
07/28/2023	<u>I 93</u>	Unopposed MOTION for Leave to File Other Document :Its Motion to Exclude Testimony of Plaintiff's Named Expert Jack Ganssle and Reports of Jack Ganssle Under Seal by Future Motion, Inc.. (Attachments: # <u>1</u> Affidavit Declaration of Christine M. Mennen)(Holt, Michael) (Entered: 07/28/2023)
07/28/2023	<u>I 94</u>	REQUEST for a Hearing re <u>91</u> MOTION In Limine regarding (Daubert) Exclude the Testimony of Plaintiff's Named Expert Jack Ganssle, <u>90</u> MOTION for Summary Judgment , <u>92</u> MOTION In Limine regarding (Daubert) Exclude the Testimony of Plaintiff's Named Experts David Rondinone and Derek King by Future Motion, Inc.. (Holt, Michael) (Modified on 7/31/2023 to edit docket text) (JDR). (Entered: 07/28/2023)
08/24/2023	<u>I 95</u>	ENDORSED ORDER: Plaintiff is directed to respond to Defendant's Daubert and dispositive motions (Docs. <u>90</u>, <u>91</u>, <u>92</u>) by September 8, 2023. If no response is filed, Defendant's motion will be considered unopposed. Plaintiff is cautioned to abide by the Federal Rules of Civil Procedure and the Local Rules of this Court to comply with filing deadlines. Signed by Judge Brian J. Davis on 8/24/2023. (AMP) (Entered: 08/24/2023)
08/25/2023	<u>I 96</u>	ENDORSED ORDER. In <u>93</u> the motion to seal, Future Motion asks the Court to seal <u>91</u> its motion in limine and related expert reports. Future Motion has filed the motion in limine (without redactions) and the expert reports (with redactions) on the public docket. The "wherefore" clause of the motion describes a motion to compel. The <u>93</u> motion to seal is denied without prejudice to filing a motion clarifying the information Future Motion wants sealed. With any motion to seal, Future Motion must provisionally file under seal an unredacted version of the paper Future Motion wants sealed. Any motion to seal should not rely on the stipulated protective order, which is not a basis for sealing. See Local Rule 1.11(a). Signed by Magistrate Judge Patricia D. Barksdale on 8/25/2023. (DS) (Entered: 08/25/2023)
09/08/2023	<u>I 97</u>	RESPONSE in Opposition re <u>90</u> MOTION for Summary Judgment filed by Kwynn Koop. (Attachments: # <u>1</u> Exhibit Expert report of Jack Ganssle, # <u>2</u> Exhibit Deposition of Plaintiff, # <u>3</u> Exhibit BEAR rebuttal report, # <u>4</u> Exhibit BEAR report, # <u>5</u> Exhibit Onewheel owners manual, # <u>6</u> Exhibit Deposition of Kyle Doerksen, # <u>7</u> Appendix Ganssle rebuttal report)(Jensen, Daniel) (Entered: 09/08/2023)

09/08/2023	<u>I 98</u>	RESPONSE in Opposition re <u>91</u> MOTION In Limine regarding (Daubert) Exclude the Testimony of Plaintiff's Named Expert Jack Ganssse filed by Kwynn Koop. (Attachments: # <u>1</u> Exhibit Expert Report of Jack Ganssse, # <u>2</u> Exhibit Onewheel owners manual)(Jensen, Daniel) (Entered: 09/08/2023)
09/08/2023	<u>I 99</u>	RESPONSE in Opposition re <u>92</u> MOTION In Limine regarding (Daubert) Exclude the Testimony of Plaintiff's Named Experts David Rondinone and Derek King filed by Kwynn Koop. (Attachments: # <u>1</u> Exhibit BEAR report, # <u>2</u> Exhibit Plaintiff's deposition, # <u>3</u> Exhibit Onewheel owners manual, # <u>4</u> Exhibit Expert report of Jack Ganssse, # <u>5</u> Exhibit BEAR rebuttal report, # <u>6</u> Exhibit RIMKUS report)(Jensen, Daniel) (Entered: 09/08/2023)
09/12/2023	<u>I 100</u>	MOTION to Stay <i>Proceedings Pending Transfer and Coordination Decision by the Judicial Panel on Multidistrict Litigation</i> by Future Motion, Inc.. (Attachments: # <u>1</u> Exhibit A – Motion to Transfer to MDL)(Holt, Michael) Modified on 9/12/2023 to reflect proper attachment titled from Appendix to Exhibit (ELM). (Entered: 09/12/2023)
09/12/2023	<u>I 101</u>	FOURTH AMENDED CASE MANAGEMENT AND SCHEDULING ORDER. The following deadlines and settings now apply: Pretrial Statement due by 12/13/2023; Final Pretrial Conference set for 12/20/2023 at 10:00 AM in Jacksonville Courtroom 12 C before Judge Brian J. Davis; Jury Trial set for trial term commencing on 1/8/2024 at 9:00 AM in Jacksonville Courtroom 12 C before Judge Brian J. Davis. Signed by Judge Brian J. Davis on 9/12/2023. (AMP) (Entered: 09/12/2023)
09/13/2023	<u>I</u>	Set/reset scheduling order deadlines: Pretrial statement due by 12/13/2023, All other motions due by 12/13/2023. (LAB) (Entered: 09/13/2023)
09/19/2023	<u>I 102</u>	Joint MOTION for Miscellaneous Relief, specifically Extension of Time for Mediation and Incorporated Memorandum of Law by Future Motion, Inc.. (Holt, Michael) (Entered: 09/19/2023)
10/17/2023	<u>I 103</u>	ENDORSED ORDER: The Stipulated Motion to Stay <u>100</u> is GRANTED. The deadlines in this case are suspended. If this case has not been transferred by October 27, 2023, the parties shall file a notice on how they will proceed no later than November 14, 2023. The parties' Joint Motion to Extend Time <u>102</u> is DENIED AS MOOT. Signed by Judge Brian J. Davis on 10/17/2023. (AMP) (Entered: 10/17/2023)
11/22/2023	<u>I 104</u>	Joint STATUS report by Future Motion, Inc. (Holt, Michael) (Entered: 11/22/2023)